

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

**FRANK PHILLIP KALITA, Jr.,**

**Plaintiff,**

v.

**Civil Action No. 1:07cv73  
(Judge Keeley)**

**FEDERAL BUREAU OF PRISONS,  
HARLEY LAPPIN,  
WARDEN JOYCE FRANCIS,  
D. HEADY,  
S. CARR,  
G. SHERWOOD,**

**Defendants.**

**ORDER GRANTING MOTION TO AMEND**

On May 30, 2007, the *pro se* plaintiff, Frank Kalita, an inmate at USP Hazelton, filed a Bivens action. On July 12, 2007, he filed a Motion to Amend/Correct.

Federal Rule of Civil Procedure 15(a) provides that “a party may amend the party’s pleading once as a matter of course at any time before a responsive pleading is served... Otherwise a party may amend the party’s pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.

Here, a review of the file shows that no responsive pleading has been served. Thus, the plaintiff’s Motion to Amend/Correct (Doc.14) is GRANTED as a matter of course.

IT IS SO ORDERED.

The Clerk is directed to mail a copy of this Order to the plaintiff at his last known address as reflected on the docket sheet.

DATED: August 22, 2007

/s/ James E. Seibert  
JAMES E. SEIBERT  
UNITED STATES MAGISTRATE JUDGE